

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 1, 2006**

House of Representatives

The House convened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Bedke, Bradford. Total -- 2.

Total -- 70.

Prayer was offered by Representative Bastian.

The Pledge of Allegiance was led by Katelyn Holzer, Page.

Approval of Journal

February 1, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 1, 2006

Mr. Speaker:

I transmit herewith enrolled **S 1277**, **S 1278**, and **SJM 113** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1277**, **S 1278**, and **SJM 113** and, when so signed, ordered them returned to the Senate.

February 1, 2006

Mr. Speaker:

I return herewith enrolled **H 404** and **H 409** which have been signed by the President.

WOOD, Secretary

Enrolled **H 404** and **H 409** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 1, 2006

Mr. Speaker:

I return herewith **H 440** which has passed the Senate.

WOOD, Secretary

H 440 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 1, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 511**, **H 512**, **H 513**, **H 514**, **H 515**, **H 516**, **H 517**, and **H 518**.

FIELD(18), Chairman

H 511, **H 512**, **H 513**, **H 514**, **H 515**, and **H 516** were referred to the Agricultural Affairs Committee.

H 517 was referred to the Transportation and Defense Committee.

H 518 was referred to the State Affairs Committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 32

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
DESIGNATING THE WEEK OF SEPTEMBER 10
THROUGH 16, 2006, AS BULLYING AWARENESS WEEK.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the school shooting on April 20, 1999, at Columbine High School in Littleton, Colorado, during which fifteen students and a teacher were killed and 23 other students were wounded, was an event set apart in our hearts and memories; and

WHEREAS, it behooves each of us, as parents, students, educators and citizens to recognize the lessons to be learned from this tragedy and identify changes to prevent repetition; and

WHEREAS, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

WHEREAS, it is important that we acknowledge the serious issues and the negative effects of bullying, including the long-term damage which may be caused for our youth and the risks of teenage suicide; and

WHEREAS, playground observations identify that at least one incident of bullying occurs every seven minutes; and

WHEREAS, bullying may consist of physical incidents of hitting, kicking, or choking, verbal threats, teasing and taunting, or systematic exclusion from activities; and

WHEREAS, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

WHEREAS, in remembrance of the Columbine shootings, and as a symbol of our year-round struggle against bullying, it is appropriate that we designate a week to emphasize the importance of our endeavors.

NOW, THEREFORE, BE IT RESOLVED by the members

of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that, on behalf of the citizens of the state of Idaho, the Legislature designates the week of September 10 through 16, 2006, as Bullying Awareness Week.

HCR 32 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 519
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2732B, IDAHO CODE, TO REVISE THE PROHIBITED QUANTITY OF PSEUDOEPHEDRINE FOR PURPOSES OF DETERMINING APPLICABLE PUNISHMENT.

**HOUSE BILL NO. 520
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1223, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS COLLEGE OR UNIVERSITY FACULTY CAN TEACH ENGINEERING DESIGN WITHOUT A LICENSE, TO EXEMPT CERTAIN APPLICANTS FOR LICENSURE FROM EXAMINATION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 521
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO SURVEYS; AMENDING SECTION 55-1904, IDAHO CODE, TO REQUIRE FILING OF A RECORD OF SURVEY WHICH RESULTS IN THE SETTING OF CERTAIN MONUMENTS AT CORNERS OF RECORD WITHIN A SPECIFIED TIME PERIOD.

**HOUSE BILL NO. 522
BY BUSINESS COMMITTEE
AN ACT**

RELATING TO ORGANIZATION OF RECIPROCAL INSURERS; AMENDING SECTION 41-2908, IDAHO CODE, TO PROVIDE THAT A SUBSCRIBER TO A DOMESTIC RECIPROCAL INSURER PROPOSING TO TRANSACT WORKER'S COMPENSATION INSURANCE, WHICH SUBSCRIBER IS A CORPORATION, LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY RECOGNIZED BY THE STATE OF IDAHO AS A SEPARATE ENTITY, SHALL BE CONSIDERED AS ONE SUBSCRIBER, REGARDLESS OF THE NUMBER OF ITS WHOLLY OWNED SUBSIDIARIES AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 523
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO AUTHORIZE THE FISH AND GAME COMMISSION TO ASSESS A CERTAIN APPLICATION SURCHARGE TO IMPLEMENT, OPERATE AND MAINTAIN A BONUS OR PREFERENCE POINT CONTROLLED HUNT SYSTEM.

**HOUSE BILL NO. 524
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO NAVIGATIONAL AND NONNAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1312, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE PERMITTING OF EXISTING NAVIGATIONAL OR NONNAVIGATIONAL ENCROACHMENTS.

**HOUSE BILL NO. 525
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO NAVIGATIONAL AND NONNAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1302, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 526
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO NAVIGATIONAL AND NONNAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1307, IDAHO CODE, TO REVISE FEE AND COST PROVISIONS FOR CERTAIN PERMITS AND TO AUTHORIZE THE BOARD OF LAND COMMISSIONERS TO CHARGE SPECIFIED APPLICANTS THE ACTUAL COSTS OF PROCESSING APPLICATIONS IN THE EVENT THE ACTUAL COSTS EXCEED THE NONREFUNDABLE FEE.

**HOUSE BILL NO. 527
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO NAVIGATIONAL AND NONNAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1305, IDAHO CODE, TO PROVIDE FOR THE RECORDATION OF PERMITS ISSUED FOR NONCOMMERCIAL NAVIGATIONAL ENCROACHMENTS, TO PROVIDE FOR THE EFFECT OF RECORDATION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 58-1306, IDAHO CODE, TO PROVIDE FOR COMMUNITY NAVIGATIONAL ENCROACHMENTS, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE FOR APPLICATION PROCESS AND PROCEDURES RELATING TO COMMUNITY NAVIGATIONAL ENCROACHMENTS, TO PROVIDE FOR THE RECORDATION OF PERMITS ISSUED FOR NONNAVIGATIONAL ENCROACHMENTS, COMMERCIAL NAVIGATIONAL ENCROACHMENTS AND COMMUNITY NAVIGATIONAL ENCROACHMENTS AND

TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 528

BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO NAVIGATIONAL AND NONNAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1305, IDAHO CODE, TO PROVIDE FOR THE PROCESSING OF APPLICATIONS RELATING TO CERTAIN NAVIGATIONAL ENCROACHMENTS NOT INTENDED PRIMARILY FOR COMMUNITY USE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 58-1306, IDAHO CODE, TO PROVIDE FOR COMMUNITY NAVIGATIONAL ENCROACHMENTS, TO CLARIFY TERMINOLOGY, TO PROVIDE FOR APPLICATION PROCESS AND PROCEDURES RELATING TO COMMUNITY NAVIGATIONAL ENCROACHMENTS, TO PROVIDE THAT APPLICATIONS FOR COMMUNITY NAVIGATIONAL ENCROACHMENTS MUST BE SUBMITTED OR APPROVED BY THE RIPARIAN OR LITTORAL OWNER, TO PROVIDE THAT CERTAIN FACTORS SHALL BE CONSIDERED IN GRANTING OR DENYING AN APPLICATION FOR A COMMUNITY NAVIGATIONAL ENCROACHMENT, TO CLARIFY TERMINOLOGY, TO PROVIDE THAT A PERMIT SHALL NOT BE REQUIRED FOR REPAIR OF AN EXISTING COMMUNITY NAVIGATIONAL ENCROACHMENT AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 529

BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO STATE-OWNED TIMBER; AMENDING SECTION 58-415, IDAHO CODE, TO REVISE MEASURING METHODS FOR THE SALE OF STATE-OWNED TIMBER.

HOUSE BILL NO. 530

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
AN ACT

RELATING TO RETAIL SALES OF PSEUDOEPHEDRINE PRODUCTS; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 33, TITLE 37, IDAHO CODE, TO DEFINE TERMS, TO SET FORTH RETAILER REQUIREMENTS RELATING TO PSEUDOEPHEDRINE PRODUCTS, TO SET FORTH LIMITATIONS ON SALES AND PURCHASES, TO PROVIDE PENALTIES, TO PROVIDE FOR PREEMPTION AND TO PROVIDE APPLICATION.

HOUSE BILL NO. 531

BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE IDAHO STATE BOARD OF EDUCATION; AMENDING SECTION 33-120, IDAHO CODE, TO PERMIT THE BOARD TO ADOPT RULES TO IMPLEMENT A STUDENT INFORMATION MANAGEMENT SYSTEM, TO PROVIDE ACCESS TO THE SYSTEM AND TO PROVIDE DEFINITIONS; AMENDING SECTION 33-512,

IDAHO CODE, TO REMOVE REFERENCE TO THE STUDENT INFORMATION MANAGEMENT SYSTEM; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1001, IDAHO CODE, TO REMOVE THE DEFINITION FOR THE STUDENT INFORMATION MANAGEMENT SYSTEM AND FOR RELATED DEFINITIONS; AND AMENDING SECTION 33-1004G, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 532

BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE TRANSFER OF RESIDENTIAL REAL ESTATE; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE THAT VOTERS IN A COUNTY MAY AUTHORIZE A RESIDENTIAL REAL ESTATE TRANSFER TAX IN THAT COUNTY, TO PROVIDE THE PERCENTAGE OF VOTERS REQUIRED FOR SUCH AUTHORIZATION, TO PROVIDE ADMINISTRATIVE REQUIREMENTS, TO PROVIDE FOR INITIATION OF AN ELECTION FOR A COUNTY RESIDENTIAL REAL ESTATE TRANSFER TAX, TO PROVIDE AN EFFECTIVE DATE, TO IMPOSE A RESIDENTIAL REAL ESTATE TRANSFER TAX IF AUTHORIZED, TO PROVIDE EXEMPTIONS TO THE RESIDENTIAL REAL ESTATE TRANSFER TAX, TO PROVIDE COLLECTION PROCEDURES AND TO PROVIDE PENALTIES AND ENFORCEMENT; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 55-616, 55-617, 55-618, 55-619, 55-620, 55-621 AND 55-622, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR A REPORT OF TRANSFERS OR CHANGE OF OWNERSHIP RECORDS, TO PROVIDE FOR PROPERTY TRANSFER CERTIFICATES, TO PROVIDE FOR EXEMPTIONS TO THE PROPERTY TRANSFER CERTIFICATE REQUIREMENT AND TO PROVIDE FOR A RESTRICTION ON THE DISCLOSURE OF INFORMATION; AND AMENDING SECTION 55-805, IDAHO CODE, TO REQUIRE THAT A PROPERTY TRANSFER CERTIFICATE MUST BE DELIVERED TO THE OFFICE OF THE COUNTY RECORDER AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SEVERABILITY.

H 519, H 520, H 521, H 522, H 523, H 524, H 525, H 526, H 527, H 528, H 529, H 530, H 531, and H 532 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 462 and **H 464**, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

SJM 114, by State Affairs Committee, was read the second time by title and filed for third reading.

H 413, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

S 1305 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **S 1305** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest(Bock), Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 60.

NAYS -- Barrett, Crow, Loertscher, McKague, Sali, Wood. Total -- 6.

Absent and excused -- Bedke, Bradford, Schaefer, Shepherd(2). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1305** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1306 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **S 1306** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest(Bock), Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Bradford, Schaefer,

Shepherd(2). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1306** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1307 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **S 1307** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest(Bock), Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Bedke, Bradford. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1307** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, February 2, 2006. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:46 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk